



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/878,685

06/11/2001

John A. Josko

85CE-00110

2016

7590

11/06/2006

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/878,685	Applicant(s) JOSKO ET AL.	
	Examiner Siegfried E. Chencinski	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-12 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 7, 11, 16, 26 & 30 are rejected under 35 U.S.C. 103(a) as being disclosed by Regan in view of Dugan (US Patent 5,857,174).

Re. Claim 1, Regan discloses a system, for soliciting, receiving and managing appraisals for a business engaged in providing financing to a customer, wherein the financing is secured by an asset, each appraisal is submitted to the business by an appraiser and values the asset securing the loan, said method comprising the steps of:

- a database for storing data including a plurality of appraisals submitted by a plurality of appraisers, wherein each appraisal describes and values a different asset used for securing a financing, wherein access to said database is restricted to users associated with the business (This is implicit and obvious in Regan, Col. 10, ll. 21-50);
- a database for storing appraisal bid request data including information describing at least one asset to be appraised, wherein access to said second database is restricted to registered users (This is implicit and obvious in Regan, Col. 10, ll. 21-50);
- a system associated with the appraiser (This is implicit and obvious in Regan, Col. 10, ll. 21-50);
- a business server coupled to said first and second databases and said client system, said server programmed to:

Art Unit: 3692

- retrieve data from said second database and display on the client system an appraisal bid request including information describing a specific asset to be used for securing a financing (Col. 10, ll. 28-35);
- receive a response from the appraiser to the appraisal bid request displayed on the client system (Col. 10, ll. 35-45);
- Prompt the appraiser by displaying a template on the client system to input an appraisal including a type and a value of the asset being appraised (Col. 10, ll. 35-45);
- store the inputted appraisal within said first database based on the type of asset being appraised and the appraiser submitting the appraisal (Col. 10, ll. 42-45); and
- process the plurality of appraisals stored, within said first database including valuing an asset to be appraised by comparing the type of asset to be appraised with the types of assets stored within said first database (Col. 10, l. 27).

Regan does not explicitly disclose

- the explicit terminology of a first database, a second database and a client system.
- processing the plurality of appraisals stored within the database including valuing an asset to be appraised by comparing the type of asset to be appraised with the types of assets stored within said first database.

However, a first database, a second database and a client system are implicit and obvious in Regan, Col. 10, ll. 21-50.

Also, Dugan discloses valuing an asset to be appraised by comparing the type of asset to be appraised with the types of comparable assets stored within a database which have recently been sold (col. 1, ll. 47-50).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of designing a system for obtaining an appraisal, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Art Unit: 3692

Re. Claim 2, Regan does not explicitly disclose wherein said business server is further configured to:

- receive a sold amount for each asset stored within said first database after the asset is sold ;
- store each sold amount for each asset sold within said first database;
- compare the sold amount for each asset sold to the value of the asset included within the appraisal stored within said first database; and
- determine an accuracy of an appraiser based on the comparison of the sold amount of an

asset to the appraised value of the asset.

However, Dugan discloses

- receiving a sold amount for each asset stored within said first database after the asset is sold (Col. 1, ll. 47-50);
- store each sold amount for each asset sold within said first database (implicit);
- compare the sold amount for each asset sold to the value of the asset included within the appraisal stored within said first database (col. 1, ll. 47-50); and
- determine an accuracy of an appraiser based on the comparison of the sold amount of an

asset to the appraised value of the asset (The determining of the accuracy of an appraiser is implicit in the Dugan disclosure because the entire focus of Dugan's disclosure is on improving the appraiser's accuracy in making appraisals (Title; Col. 1, ll. 47-50; col. 2, ll. 1-7;). Col. 1, ll. 47-50 discloses the measuring of appraisal accuracy based on a comparison of an appraised amount to a sold amount. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have evaluated an appraiser's accuracy by comparing his appraised amount with the actual sales prices of comparable properties and to an actual sales price of the same unit were it to sell within the same window of time as the appraisal. However, such a timely sale is often not the case or even rare, since the prime determinants of sales price are local market supply and demand, and these determinants are constantly shifting due to the

Art Unit: 3692

dynamic local seasonal patterns of supply and demand, and the effects of the national and regional economies which follow a different set of patterns and stimuli. This leaves the most comparable local neighborhood sales prices as the only practically available and obvious yardstick of appraisal accuracy. These, in turn, are the obvious yard sticks for measuring an appraiser's appraisal accuracy).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of designing a system for obtaining an appraisal and measuring the accuracy of an appraiser, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Re. Claim 7, Regan discloses a system for soliciting, receiving and managing appraisals for a business engaged in providing financing to a customer, wherein the financing is secured by an asset each appraisal is submitted to the business by an appraiser and values the asset securing the loan, said system comprising:

- a database comprising data corresponding to completed appraisals a plurality of appraisals submitted by a plurality of appraisers wherein each appraisal describes and values a different asset used for securing a financing, and appraisal bid request data including information describing at least one asset to be appraised (implicit in col. 10, ll. 21-50); and
- a client system associated with the appraiser (implicit in col. 10, ll. 28-31); and
- a business server coupled to said database and said client system (Col. 10, ll. 21-50. The server is implicit), said server programmed to:
 - retrieve data from said database and display on the client system an appraisal bid request including information describing a specific asset to be used for securing a financing (Col. 10, ll. 28-35);
 - receive a response from the appraiser to the appraisal bid request displayed on the client system (col. 10, ll. 35-45);

Art Unit: 3692

- prompt the appraiser by displaying a template on the client system to input an appraisal including a type and a value of the asset being appraised (Col. 10, ll. 35-45);
- store the inputted appraisal within said database based on the type of asset being appraised and the appraiser submitting the appraisal;
- receive a sold amount for each asset stored within said database after the asset is sold (col. 10, ll. 42-45);
- compare the sold amount for each asset sold to the value of the asset included within the appraisal stored within said database (Col. 10, ll. 27).

Regan does not explicitly disclose determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset.

However, Dugan discloses determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset (Col. 1, ll. 47-50. The determining of the accuracy of an appraiser is implicit in the Dugan disclosure).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of designing a system for obtaining an appraisal, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Re. Claim 11, Regan discloses a method for obtaining an appraisal for soliciting, receiving and managing appraisals for a business engaged in providing financing to a customer, wherein the financing is secured by an asset, each appraisal is submitted to the business by an appraiser and values the asset securing the loan, said method comprising the steps of:

- displaying on a client system an appraisal bid request including information describing a specific asset to be used for securing a financing (col. 10, 28-35);

Art Unit: 3692

- receiving a response from the appraiser to the appraisal bid request displayed on the client system (Col. 10, ll. 35-45);
- prompting the appraiser by displaying a template on the client system to input an appraisal including a type and a value of the asset being appraised (Col. 10, ll. 35-45);
- storing the inputted appraisal within a database based on the type of asset being appraised and the appraiser submitting the appraisal, wherein the database stores data including a plurality of appraisals submitted by a plurality of appraisers, wherein each appraisal describes and values a different asset used for securing a financing (Col. 10, ll. 42-45); and
- processing the plurality of appraisals stored within the database including valuing an asset to be appraised (Col. 10, l. 27).

Regan does not explicitly disclose

- processing the plurality of appraisals stored within the database including valuing an asset to be appraised by comparing the type of asset to be appraised with the types of assets stored within said first database.

However, Dugan discloses valuing an asset to be appraised by comparing the type of asset to be appraised with the types of comparable assets stored within a database which have recently been sold (col. 1, ll. 47-50).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of designing a method for obtaining an appraisal, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Re. Claim 15, Regan does not explicitly disclose wherein said business server is further configured to:

- receiving a sold amount for each asset stored within said first database after the asset is sold ;
- storing each sold amount for each asset sold within said first database;

Art Unit: 3692

- comparing the sold amount for each asset sold to the value of the asset included within the appraisal stored within said first database; and
- determining an accuracy of an appraiser based on the comparison of the sold amount of an

asset to the appraised value of the asset.

However, Dugan discloses

- receiving a sold amount for each asset stored within said first database after the asset is sold (Col. 1, ll. 47-50);
- storing each sold amount for each asset sold within said first database (implicit);
- comparing the sold amount for each asset sold to the value of the asset included within the appraisal stored within said first database (col. 1, ll. 47-50); and
- determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset (The determining of the accuracy of an appraiser is implicit in the Dugan disclosure because the entire focus of Dugan's disclosure is on improving the appraiser's accuracy in making appraisals (Title; Col. 1, ll. 47-50; col. 2, ll. 1-7;). Col. 1, ll. 47-50 discloses the measuring of appraisal accuracy based on a comparison of an appraised amount to a sold amount. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have evaluated an appraiser's accuracy by comparing his appraised amount with the actual sales prices of comparable properties and to an actual sales price of the same unit were it to sell within the same window of time as the appraisal. However, that is often if not rarely the case, since market supply and demand is constantly shifting due to the dynamic seasonal patterns of supply and demand, and the effects of the economy which follow a different set of patterns and stimuli. This leaves the most comparable sales prices as the practically available and obvious yardstick of appraisal accuracy.).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of

Art Unit: 3692

Dugan for the purpose of designing a method for obtaining an appraisal and measuring the accuracy of an appraiser, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Re. Claim 16, Regan discloses a method for obtaining an appraisal for soliciting, receiving and managing appraisals for a business engaged in providing financing to a customer, wherein the financing is secured by an asset, each appraisal is submitted to the business by an appraiser and values the asset securing the loan, said method comprising the steps of:

- displaying on a client system an appraisal bid request including information describing a specific asset to be used for securing a financing (col. 10, 28-35);
- receiving a response from the appraiser to the appraisal bid request displayed on the client system (Col. 10, ll. 35-45);
- prompting the appraiser by displaying a template on the client system to input an appraisal including a type and a value of the asset being appraised (Col. 10, ll. 35-45);
- storing the inputted appraisal within a database based on the type of asset being appraised and the appraiser submitting the appraisal, wherein the database stores data including a plurality of appraisals submitted by a plurality of appraisers, wherein each appraisal describes and values a different asset used for securing a financing (Col. 10, ll. 42-45); and
- processing the plurality of appraisals stored within the database including valuing an asset to be appraised (Col. 10, l. 27).

Regan does not explicitly disclose

- processing the plurality of appraisals stored within the database including valuing an asset to be appraised by comparing the type of asset to be appraised with the types of assets stored within said first database;
- receiving a sold amount for each asset stored within the database after the asset is sold;

- comparing the sold amount for each asset sold to the value of the asset included within the appraisal stored within the database; and
- determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset (This is obvious in the Dugan disclosure).

However, Dugan discloses valuing an asset to be appraised by comparing the type of asset to be appraised with the types of comparable assets stored within a database which have recently been sold (Col. 1, ll. 47-50). Implicit in Dugan's disclosure are

- processing the plurality of appraisals stored within the database including valuing an asset to be appraised by comparing the type of asset to be appraised with the types of assets stored within said first database;
- receiving a sold amount for each asset stored within the database after the asset is sold;
- comparing the sold amount for each asset sold to the value of the asset included within the appraisal stored within the database; and
- determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset (This is obvious in the Dugan disclosure).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of obtaining an appraisal, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Re. Claim 17, Regan discloses a method wherein to display an appraisal template, the computer causes a web page to be displayed at an appraiser device, the web page comprising a plurality of fields to be populated by the appraiser in order to complete the appraisal (LINKS – Col 1, l. 66; Col. 2, ll. 8-19; Col. 3, l. 21. An obvious use of links disclosed by Regan is to cause a web page to be displayed at an appraiser device merely by including the link in the e-mail which requests the appraisal, the web page comprising a plurality of fields to be populated by the appraiser in order to complete the

Art Unit: 3692

appraisal – Col. 10, ll. 28-42). Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan as appeared obvious to the ordinary practitioner of the art at the time in order to obtain an appraisal through a web page, motivated by a desire to assist users of appraisals in the efficient processing of their transactions (Regan, Col. 1, ll. 7-9).

Re. Claim 19, Regan discloses a method comprising operating the computer to search the database to retrieve a stored appraisal (Col. 10, l. 45. Searching for the stored appraisal record is implicit.).

Re. Claim 20, Regan discloses a method comprising operating the computer to search the database to retrieve data corresponding to a requested report (Searching to retrieve documents is implicit.).

Re. Claim 21, Regan discloses a method wherein the received data comprises an image of the appraised asset (Col. 7, ll. 57-59; Col. 10, l. 43).

Re. Claims 26 & 30, Regan discloses an apparatus and a computer-readable medium for soliciting, receiving and managing appraisals for a business engaged in providing financing to a customer wherein the financing is secured by an asset, each appraisal is submitted to the business by an appraiser and valued the asset securing the loan, said apparatus comprising:

- means for storing data within a database including a plurality of appraisals submitted by a plurality of appraisers, wherein each appraisal describes and values a different asset used for securing a financing, wherein access to said first database is restricted to users associated with the business (Implicit in col. 10, ll. 21-50; Col. 9, ll. 42-47; Col. 10, ll. 28-31, 35-45);
- means for retrieving data from the database and displaying on a client system an appraisal bid request including information describing a specific asset to be used for securing a financing (col. 10, ll. 21-39);
- means for receiving a response from the appraiser to the appraisal bid request displayed on the client system (Col. 10, ll. 35-45);

Art Unit: 3692

- means for prompting the appraiser by displaying a template on the client system to input an appraisal including a type and a value of the asset being appraised (Col. 10, ll. 35-45);
- means for storing the inputted appraisal within the database based on the type of asset being appraised and the appraiser submitting the appraisal (Col. 10, ll. 42-45); and
- means for processing the plurality of appraisals stored within the database (col. 10, l. 27).

Regan does not explicitly disclose valuing an asset to be appraised by comparing the type of asset to be appraised with the types of assets stored within said first database. However, Dugan discloses valuing an asset to be appraised by comparing the type of asset to be appraised with the types of comparable assets stored within a database which have recently been sold (col. 1, ll. 47-50). Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of designing an apparatus and computer-readable medium for obtaining an appraisal, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

Re. Claim 29, Regan does not explicitly disclose an Apparatus which comprises:

- means for receiving a sold amount for each asset stored within said first database after the asset is sold ;
- means for storing each sold amount for each asset sold within said first database;
- means for comparing the sold amount for each asset sold to the value of the asset included within the appraisal stored within said first database; and
- means for determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset.

However, Dugan discloses

- means for receiving a sold amount for each asset stored within said first database after the asset is sold (Col. 1, ll. 47-50);

Art Unit: 3692

- means for storing each sold amount for each asset sold within said first database (implicit);
- means for comparing the sold amount for each asset sold to the value of the asset included within the appraisal stored within said first database (col. 1, ll. 47-50); and
- means for determining an accuracy of an appraiser based on the comparison of the sold amount of an asset to the appraised value of the asset. (The determining of the accuracy of an appraiser is implicit in the Dugan disclosure because the entire focus of Dugan's disclosure is on improving the appraiser's accuracy in making appraisals (Title; Col. 1, ll. 47-50; col. 2, ll. 1-7;). Col. 1, ll. 47-50 discloses the measuring of appraisal accuracy based on a comparison of an appraised amount to a sold amount. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have evaluated an appraiser's accuracy by comparing his appraised amount with the actual sales prices of comparable properties and to an actual sales price of the same unit were it to sell within the same window of time as the appraisal. However, that is often if not rarely the case, since market supply and demand is constantly shifting due to the dynamic seasonal patterns of supply and demand, and the effects of the economy which follow a different set of patterns and stimuli. This leaves the most comparable sales prices as the practically available and obvious yardstick of appraisal accuracy.).

Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the teachings of Dugan for the purpose of designing a method for obtaining an appraisal and measuring the accuracy of an appraiser, motivated by a desire to accurately and efficiently produce appraisals (Dugan, Col. 1, ll. 10-12).

2. Claims 3, 4, 8-10, 27, 28, 31 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regan in view of Dugan as applied to claims 1, 7, 11, 26 and 30 above, and further in view of Official Notice.

Re. Claims 3, 4, 8-10, 27, 28, 31 & 32, neither Regan nor Dugan explicitly disclose:

Re. Claim 3, wherein said pages comprise ASP pages and HTML pages, and wherein XSL files are stored in said web server.

Re. Claim 4, comprising at least one client system comprising a browser, said browser configured to communicate with said web server.

Re. Claim 8, wherein said business server is further programmed to receive data corresponding to prospective users and provide the prospective user data to the database.

Re. Claim 9, comprising a web server coupled to said business server, said web server comprising a memory having a plurality of HTML pages stored therein.

Re. Claim 10, comprising a user terminal comprising a browser, said browser configured to communicate with said web server.

Re. Claim 27, an apparatus wherein said means for retrieving data comprises a web server coupled to a user terminal comprising a browser.

Re. Claim 28, an Apparatus wherein said means for prompting the appraiser comprises a web server coupled to a system server.

Re. Claim 31, a computer readable medium wherein said processing further comprises the steps of retrieve and update data in an appraisal application database, and retrieve and update data in a registered user database.

Re. Claim 32, a computer readable medium wherein said pages comprise ASP pages and HTML pages.

However, **re. claims 3, 4, 8-10, 31 & 32**, the examiner serves Official Notice that it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention that ASP pages, HTML pages, XSL files, client systems, browsers, computer apparatus, storage media, multiple databases for storing various types of data, and servers (including web servers) and coupling of hardware including servers, all dedicated and programmed to perform various functions including those of retrieving

and updating data in the databases, to cause web pages to be displayed to authorized outside parties and to prompt such authorized participants to access such stored items as an appraisal application. All of these tools are well known to ordinary practitioners of the art who make use of available computer tools to produce more efficient methods of doing business. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have modified the teachings of Regan with the well known computer systems art for the purpose of operating a computer based system for the administration of activities such as appraisals, motivated by a desire to assist users of appraisals in the efficient processing of their transactions (Regan, Col. 1, ll. 7-9).

3. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Regan in view of Dugan as applied to claim 11 above, and further in view of Official Notice and Zandi.

Re. Claims 12-14, neither Regan nor Dugan explicitly disclose a method of

Re. Claims 12, displaying on a client system an appraisal bid request comprises the steps of contacting a plurality of appraisers and requesting each appraiser to submit a bid to perform an appraisal.

Re. Claim 13, Regan discloses a method comprising the step of receiving a plurality of bids and selecting an appraiser based at least in part on the bid submitted by that appraiser.

Re. Claim 14, Regan discloses a method comprising the step of notifying the selected appraiser that the bid has been accepted and that the appraiser is to perform the appraisal.

However, **re. claims 12-14**, the examiner gives Official Notice that the method of notifying prospective vendor/bidders of a desire to receive bids for some specific aspect of their service(s) is a well known practice throughout commerce. For example, Zandi discloses a process of requesting bids from a plurality of bidders (Col. 10, ll. 3-7), receiving a plurality of bids in electronic form from at least some of the notified bidder candidates (Col. 10, l. 9), selecting one of the bids (Col. 9, ll. 9-12), and notifying the

Art Unit: 3692

selected bidder to perform the service in accordance with the bid (Col. 9, II. 9-12).

Therefore, it would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan with the disclosure of Zandi in order to obtain an appraisal through a competitive bidding process, motivated by the desire to more conveniently enable someone to efficiently choose among bids the one that offers the most favorable terms (Zandi, Col. 1, II. 7-12; Col. 3, II. 27-29).

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being disclosed by Regan in view of Dugan as applied to claim 16 above, and further in view of Broerman.

Re. Claim 18, neither Regan nor Dugan explicitly disclose a method wherein the user device comprises a wireless device and/or the appraisal is received from a wireless device. However, Broerman discloses a method wherein the user device comprises a wireless device (Use of a wireless device - Col. Col. 4, I. 36; Col. 5, II. 3-4. Involvement of appraisers – Col. 12, I. 16). It would have been obvious to the ordinary practitioner of the art at the time of Applicant's invention to modify the disclosure of Regan and Dugan with the art of Broerman in order to make use of wireless devices in the communications process involving the obtaining of appraisals, motivated by a desire to a method that assists in the automated and efficient provision of services which make use of appraisals (Zandi, Col. 2, II. 10-15).

Response to Arguments

5. Applicant's arguments filed August 15, 2006 with respect to claims 1-4, 7-21 and 26-32 have been considered but are moot in view of the new ground(s) of rejection.

ARGUMENT: Traversing the rejection of claims 1-4, 7-10, 26-29 and 30-32 on the basis of Official Notice because 'to "have modified the teachings of Regan with the well known computer systems art for the purpose of operating a computer based system for the administration of activities such as appraisals, motivated by a desire to assist users of appraisals in the efficient processing of the their transactions" is not a fact that is capable of instant and unquestionable demonstration as to defy dispute.' (p. 18, II. 16-26).

RESPONSE: MPEP 2112 clearly differentiates between the standards of anticipation and the standards for obviousness. As it happens, section V immediately following cites a court opinion which states the following:

"V. ONCE A REFERENCE TEACHING PRODUCT APPEARING TO BE SUBSTANTIALLY IDENTICAL IS MADE THE BASIS OF A REJECTION, AND THE EXAMINER PRESENTS EVIDENCE OR REASONING TENDING TO SHOW INHERENCY, THE BURDEN SHIFTS TO THE APPLICANT TO SHOW AN UNOBVIOUS DIFFERENCE. "[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on 'inherency' under 35 U.S.C. 102 <http://www.uspto.gov/web/offices/pac/mpep/documents/appxl_35_U_S_C_102.htm>, or '*prima facie* obviousness' under 35 U.S.C. 103 <http://www.uspto.gov/web/offices/pac/mpep/documents/appxl_35_U_S_C_103.htm>, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. *In re Fitzgerald*, 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977)). In the instant rejections on the basis of Official Notice, the examiner has presented reasoning for a *prima facie* case of obviousness, thus shifting the burden of proof to Applicant. Applicant has failed to provide adequate reasoning to support traversal of these Official Notice rejections for the use of the ubiquitous presence of computers and computer systems of hardware, software and the electronic networks binding them together throughout the economy

and society as a whole, and doing so in the environment of Applicant's invention at the time of Applicant's invention.

Conclusion

6. Applicant's arguments filed August 15, 2006 with respect to claims 1-4, 7-21 and 26-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3692

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231


or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

October 30, 2006


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692